

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ULYSSES RODRIGUEZ CHARLES, Plaintiff)	
v.)	
CITY OF BOSTON, et al. Defendants)	04-CV-10986-NG

JOINT MOTION FOR ENLARGEMENT OF DISCOVERY PERIOD

Plaintiff Ulysses R. Charles and the Defendants City of Boston and Stanley I. Bogdan (collectively, the “Parties”) respectfully move for an amendment to the joint scheduling statement endorsed by the Court as follows:

- (a) Fact discovery will now be completed by December 31, 2007;
- (b) Plaintiff will disclose his expert(s) and produce the Rule 26(a)(2)(b) report(s) by January 15, 2008;
- (c) Defendants will disclose their expert(s) and produce the Rule 26(a)(2)(b) report(s) by February 14, 2008;
- (d) Depositions of the Parties’ experts will be completed by March 31, 2008;
- (e) The Parties will serve motions for summary judgment no later than April 30, 2008; and
- (f) The Parties will serve oppositions to motions for summary judgment no later than May 30, 2008.

In support of their request for enlargement, the Parties state as follows:

1. Counsel for the Defendants, Thomas Donohue, left his employment with the City of Boston Law Department on or about June 29, 2007. In anticipation of Mr. Donohue's departure, representation of the Defendants has been transferred to Attorney John P. Roache who filed an appearance with this Court on or about July 9, 2007.

2. It will take considerable time for new counsel to review the voluminous file and become familiar with the issues.

3. Furthermore, the Parties are engaged in extensive discovery in this case, which, as the Court is aware, concerns events that took place well over two decades ago. It involves many witnesses and a large volume of documents, including many which are old and difficult to locate.

4. The Parties have propounded interrogatories, exchanged documents, and taken several depositions. Although the Parties have been diligently engaged in discovery, they require additional time to complete it. There remain at least seven (7) depositions to be conducted, including that of a subpoenaed third-party who thus far has failed to appear, and document discovery is also ongoing.

5. Additional time to complete fact discovery will also aid the Parties in attempting to narrow or resolve discovery issues without seeking judicial intervention, though the Parties expressly reserve their rights if they are unable to do so.

6. The Parties also require additional time in order to identify and retain their experts. The Parties' ability to do so is dependent, in part, on the information that they exchange in fact discovery, which, as noted above, is not yet complete.

7. In addition, as the Court might be aware, Plaintiff has commenced a lawsuit in the Suffolk County Superior Court under M.G.L. c. 258D (the "State Action"),

a statute that provides compensation to individuals who have been erroneously convicted. The State Action is scheduled to begin trial on October 1, 2007.

8. In addition, Plaintiff's attorneys, who very recently joined the firm of Wolf, Block, Schorr & Solis-Cohen, LLP, will be preparing for trial in the State Action during the month of September 2007. Accordingly, the schedule proposed by the Parties in the instant motion reflects the Parties' agreement that they will not impose any obligations on one another in this case in the month of September 2007, unless the Parties agree to do otherwise.

9. Given that all parties join in this motion, no party will be prejudiced by its allowance. In addition, the allowance of this motion will ensure, through full discovery, that the Court has the facts necessary to render a just decision. Accordingly, the interests of justice and judicial economy will be served by the allowance of this motion.

10. Defendants do not agree to postpone or continue the trial of this matter or to "follow" the trial of the State Action in the event that the trial of the State Action does not go forward as presently scheduled.

WHEREFORE, the Parties respectfully request that the Court grant the relief sought in this motion.

Respectfully submitted,

DEFENDANTS, STANLEY BOGDAN
And THE CITY OF BOSTON,
By their attorneys

PLAINTIFF, ULYSSES R. CHARLES
By his attorneys:

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